IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1131 OF 2007

The State of Maharashtra — Applicant (Orig. Complainant)

Vs.

Bhimrao Natha Waghmare & Ors. — Respondents (Orig. Accused Nos. 1 to 6)

Mr. S. R. Borulkar, PP for the applicant.

Mr. Nitin Jadhav, Advocate i/b Vijay Killedar
for respondents Nos. 1, 2, 4 to 6.

CORAM : R.M.S. KHANDEPARKAR
AND
A.A. SAYED, JJ.

DATE : NOVEMBER 29, 2007.

P.C. [PER R.M.S. KHANDEPARKAR, J.]

. Heard. Undisputedly there is neither direct evidence available on record nor the witness has produced reliable material relating to any subject matter to establish the prosecution case. Whatever evidence produced on record being found unbelievable and untrustworthy, the learned trial judge has acquitted the accused by the impugned judgment. Bare perusal of the impugned judgment disclose that the trial Court has analysed the entire evidence on record

in proper perspective and has taken into consideration each and every piece of material and has arrived a clear finding about the failure on the part of the prosecution to establish the charges against the accused. We find no fault in the said finding as the same is clearly borne out from the record and do not warrant any interference in appeal. There being absolutely no case made out for interference, question of leave to prefer appeal against the impugned judgment, does not arise and the application for the same is liable to be rejected. Hence, the application stands dismissed.

Sd/-
[R.M.S. KHANDEPARKAR, J.]

Sd/-
[A. A. SAYED,J.]